

Remarks

In the interest of clarity, the titles and paragraph numbers hereafter match the paragraph numbers in the Office Action.

Drawings

2-3. The Office Action objected to the drawings because Fig. 1 is missing reference sign 130d which is described in the specification and includes sign 130n which is not described in the specification. Applicant has replaced paragraph [0045] in the specification with a new paragraph [0045] that references sign 130n and that does not include reference 130d and therefore this objection should be overcome.

Claim Objections

4. Applicant has amended claim 57 to correct the identified spelling mistake.

Claim Rejections – 35 USC Section 102

1-49. The Office Action rejected each of independent claims 1, 23, 31, 37, 40, 54, 64 and 66 and a subset of the dependent claims pending in this application as anticipated by De Meyer (US application publication No. 2005/0021158). De Meyer has an earliest priority date of July 22, 2003.

Applicant provides herewith a declaration by the primary inventor in the present case, Mr. David W. Farchmin, in which the inventor states that he has recently reviewed and understands the scope of the currently pending claims and that he invented the subject matter of each of independent claims 1, 23, 31, 37, 40, 54 and 64 prior to July 21, 2003. Supporting documents of evidence of conception are also provided in the form of portions of a white paper (2 pages) and a power point presentation (2 pages). Thus, Mr. Farchmin invented the claimed subject matter prior to De Meyer's earliest priority date and De Meyer should be removed as a prior art reference. To support Mr. Farchmin's Declaration we included herewith two (2) pages from a power point presentation and pages 4-7 of a white paper that describe the independent claims listed above.

50-54. The Office Action also rejected claim 66 as anticipated by De Meyer. Applicant traverses this rejection. To this end, claim 66 requires, among other things, that a wireless information device (WID) (1) receive signals from a transmitter, (2) determine signal strengths of the received signals and (3) transmit the signal strength data to a receiver and that a second processor that is separate from the WID use the signal strength data to determine WID position.

In contrast, De Meyer teaches two separate processes that are described in paragraphs 76 and 77. First, in paragraph 76, De Meyer teaches that a wireless device MU receives short range fields or “emissions” from HMI communication modules AP5, AP6, etc., and that device MU itself determines its own position (see first sentence of paragraph 76). Thus, in this embodiment there is no second processor separate from the device MU that determines the position of the device MU and instead the device MU determines its position and provides the position information to the second processor.

Second, in paragraph 77, De Meyer teaches that in a second process the wireless device MU generate “emissions” (i.e., “short range fields” as described in the second sentence in paragraph 76) that are received by modules AP5, AP6, etc., where the short range fields or emissions are analyzed to determine the position of the device MU. Here, emissions or short range fields do not include and are not akin to signal strength information and instead have to be analyzed to determine signal strength when they are received. Thus, in De Meyer’s second process, known strength signals are not transmitted to a WID (instead known signal strength signals are transmitted by a WID). In addition, in De Meyer’s second process, the WID does not transmit signal strength information (instead the WID transmits emissions or short range fields that can be used by another processor to first generate signal strength information and to then use the signal strength information to determine WID location. In short, the difference between De Meyer’s second process and the claim 66 process is where the signal strength information is generated. In claim 66, the WID generates the signal strength information and in De Meyer’s second process a second processor, not the WID, generates the signal strength information.

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For at least the above reasons Applicant believes that claim 66 and the claims that depend there from are patentable over De Meyer and requests that the rejection be withdrawn.

Claim Rejections – 35 USC Section 103

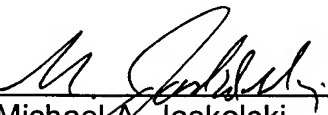
The Office Action rejected several dependent claims as obvious over De Meyer in view of Rogers. Because De Meyers has been removed as a prior art reference and Rogers fails to teach the limitations of the independent claims Applicant believes that each of the dependent claims rejected as obvious are patentable over the cited reference.

Applicant has introduced no new matter in making the above remarks and amendments. In view of the above remarks, Applicant believes claims 1-46 and 48-70 of the present application recite patentable subject matter and allowance of the same is requested. No fee in addition to the fees already authorized in this and accompanying documentation is believed to be required to enter this amendment, however, if an additional fee is required, please charge Deposit Account No. 17-0055 in the amount of the fee.

Respectfully submitted,

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